

REMARKS

Claims 10, 12-19, and 22-43 remain in the application with claims 10, 19, 24, 29, 30, 39, and 42 having been amended hereby and claims 1-9, 11, 20, 21, 25, and 38 having been cancelled, without prejudice or disclaimer.

Reconsideration is respectfully requested of the rejection of claims 1-22, 24-26, and 28-41 under 35 USC 103, as being unpatentable over Takasa et al. in view of Kawamura et al.

The present invention is intended to provide a two-layer optical recording medium in which a first layer has, for example, left and right stereo signals recorded thereon and the second layer has other channels, such as the surround channels relating to the same program material recorded thereon. More importantly, the data is recorded such that the second layer data can be reproduced without shifting the sled of the optical playback head. That is, the head can remain in its position after reproducing the main data from the first layer and the focus shifted so that the second layer can be reproduced. Thus, the first and second layers have relevant data and, more particularly, data taken from the same audio program material.

The claims have been amended hereby to emphasize the above-noted features of the present invention.

Takasu et al. relates to an optical recording medium having two recording layers for playback by two separate playback systems. More specifically, as stated at column 4 of Takasu et al. the first information surface can be read-out by

a playback system for an optical disk whose transparent substrate is 0.6mm in thickness, and the second information surface can be read-out by a playback system for an optical disk whose transparent substrate is 1.2mm in thickness.

Therefore, applicant respectfully traverses the examiner's comment that the control means, read means, and focusing means to read the first and second recording layers are inherently present in Takasu et al., because Takasu et al. does not intend for the same system to read both layers. More particularly, as stated at line 55 of column 6 of Takasu et al., the phenomenon that the focal point of the playback laser beam shifts onto the second information surface 4 rarely takes place. The same also holds true for the reverse shift.

Therefore, it is seen that Takasu et al. provides a recording medium that may be played back by two different kinds of playback systems, but does not suggest a recording medium that can be played back by a single system, as in the present invention.

Kawamura et al. also relates to a multilayer recording medium and discloses that the layers are arranged such that taken from above the disk the program areas of the respective layers coincide. A table of contents is recorded on the disk to represent the location of the various data portions on the different layers.

Neither Takasu et al. nor Kawamura et al. disclose the present invention, whereby the data recorded in the second recording medium layer is not only related but, in fact, is

taken from the same program material as the data in the first layer. Moreover, the two locations coincide and the first and second data can be played back without moving the playback head.

Accordingly, it is respectfully submitted that Takasu et al. in view of Kawamura et al. do not render obvious the present invention.

Reconsideration is respectfully requested of the rejection of claims 42 and 43 under 35 USC 103, as being unpatentable over Takasu et al. in view of Kawamura et al. and further in view of McPherson et al.

McPherson et al. is cited for its showing of multichannel audio signals recorded in a DVD-like recording medium.

Nevertheless, even combining McPherson et al. with Takasu et al. and Kawamura et al., the features of the present invention wherein the data in the first and second layers are not only related but are derived from the same audio program, as taught by the present invention and as recited in amended claim 42, are not shown nor suggested.

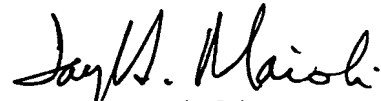
Accordingly, in view of the amendments made to the claims hereby, as well as the above remarks, it is respectfully submitted that a two-layer optical recording medium, as taught by the present invention and as recited in the amended claims, is neither shown nor suggested in the cited references, alone or in combination.

The references cited as of interest have been reviewed and are not seen to show or suggest the present invention as recited in the amended claims.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,

COOPER & DUNHAM LLP

A handwritten signature in cursive script, reading "Jay R. Maioli".

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